

IN THE UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS/SAN ANTONIO DIVISION

IN RE:

BERTHA A. CAROLUS  
4900 TIMBER TRACE

CASE NO. 04-5-3464K

SAN ANTONIO TX                    78250-0000  
a/k/a  
Debtor(s)

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TRUSTEE'S RECOMMENDATIONS CONCERNING CLAIMS  
(WITH NOTICE OF BAR DATE FOR ADDITIONAL OBJECTIONS TO CLAIMS)

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NO HEARING WILL BE CONDUCTED ON THIS TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS UNLESS A WRITTEN RESPONSE OR OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE TRUSTEE, THE DEBTOR(S), DEBTOR'S ATTORNEY, AND ANY OTHER AFFECTED PARTY WITHIN TWENTY (20) DAYS FROM THE DATE OF SERVICE HEREOF, UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH RESPONSE OR OBJECTION. EACH CLAIM FOR WHICH THERE IS NO RESPONSE OR OBJECTION TIMELY FILED AND SERVED WILL BE TREATED AS LISTED IN THE ATTACHED SCHEDULES, AND SUCH TREATMENT WILL BE FINAL AND BINDING ON ALL PARTIES WITHOUT FURTHER ORDER OF THE COURT. IF A RESPONSE OR OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING ON NOT LESS THAN THIRTY (30) DAYS NOTICE, WITH RESPECT TO THAT CLAIM ONLY TO WHICH OBJECTION OR RESPONSE HAS BEEN FILED.

By Order of the court, the Recommendation Concerning Claims shall be deemed to set a BAR DATE for objecting to claims, for contesting the validity or priority of liens, and for challenging the priority of claims. Said BAR DATE shall be deemed to be THE TWENTIETH DAY AFTER THE DATE OF SERVICE OF THE RECOMMENDATION CONCERNING CLAIMS, AS REFLECTED IN THE CERTIFICATE OF SERVICE ATTACHED THERETO. Any objection to claim, any motion or adversary proceeding contesting the validity or priority of any lien, or any challenge to the priority of any claim may not be filed after the expiration of the bar date except upon leave of court, after motion requesting such leave, and upon notice and hearing to the Standing Chapter 13 Trustee, the debtor, the debtor's counsel, and the ten largest unsecured creditors (including, where applicable, the Internal Revenue Service).

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW MARION A. OLSON, JR., Trustee in these proceedings, and making this his recommendation concerning claims, would respectfully show the Court as follows:

1. Pursuant to L. Rule 2015(c), all parties are specifically advised that, among others, L. Rule 3007 shall apply to this Trustee's Recommendation Concerning Claims.

2. The time for filing claims in this proceeding has expired. The Trustee has reviewed all of the claims filed in this proceeding. Attached are Schedules I and II containing the Trustee's recommendations as to various matters concerning claims, including the amount of each creditor's claim, as well as the extent and validity of each creditor's security interest, if any.

3. If a party in interest disagrees with any of the Trustee's recommendations, such party may file a response to the Trustee's objections or other recommendations, or may file an objection to any claim disputed. However, responses and objections MUST BE FILED within twenty (20) days from the date of service hereof hereof. Each claim for which there is no response or objection filed within twenty (20) days from the date of service hereof will be treated as listed in the attached Schedules, AND SUCH TREATMENT WILL BE FINAL AND BINDING ON ALL PARTIES WITHOUT FURTHER ORDER OF THE COURT.

#### VALUATION OF COLLATERAL

4. The Court has previously made a final and binding determination of the value of certain property which may constitute collateral securing certain creditors' claims. These valuations are of the collateral specified and provided for under the Debtor's Plan as of the confirmation, as well as any other collateral valued at the confirmation hearing or other hearing held by the Court. All such valuations have been given effect in the treatment of such creditor's claims as set forth in Schedules I and II.

5. Certain creditors may have timely filed proofs of claim which evidence a perfected security interest in additional collateral not previously valued by the Court. The Trustee has made a recommendation to the Court in Schedule I and II concerning the value of such collateral and the treatment of each such creditor's claim herein. Such recommendation is deemed to be a motion to determine the value of such creditor's secured claim. UNLESS A RESPONSE IS FILED TO SUCH VALUATION AND TREATMENT OF SUCH CREDITOR'S CLAIM WITHIN TWENTY (20) DAYS FROM THE DATE OF SERVICE HEREOF, SUCH VALUATION OF COLLATERAL AND TREATMENT OF THE CREDITOR'S CLAIM WILL BE FINAL AND BINDING ON ALL PARTIES WITHOUT FURTHER ORDER OF THE COURT.

#### TRUSTEE'S OBJECTIONS TO CLAIMS

6. The Trustee contests the amounts or the validity or extent of the security interest listed in the proofs of claim in the attached Schedule I to the Trustee's Recommendation Concerning Claims. If no response or objection is timely filed, such claim will be treated in the manner and amount listed on the attached Schedules to the Trustee's Recommendation Concerning Claims.

7. Parties in interest should carefully examine the attached Schedules to the Trustee's Recommendation Concerning Claims. If any party disagrees with the Trustee's recommendation concerning the amount or status of any claim such party must file a response within twenty (20) days from the date of service hereof, or the Trustee's recommendation will become final and binding.

8. If the Trustee's recommendation concerning any claim differs from the amount indicated in the creditor's Proof of Claim, the recommendation is deemed to be an objection to such claim. Unless a timely response or objection is filed contesting the Trustee's recommendation, the objection will be sustained and such claim will be allowed only in the amount listed in the attached Schedules to the Trustee's Recommendation Concerning Claims.

9. If the Trustee's recommendation concerning a creditor's claim indicates that such creditor is not a secured creditor, the recommendation is deemed to be an action to determine the validity of such creditor's security interest or to avoid such creditor's security interest. Unless a timely response or objection is filed contesting the Trustee's recommendation, the security interest will be avoided or disallowed in accordance with the attached Schedules to the Trustee's Recommendation Concerning Claims.

CREDITORS SHOULD TAKE NOTICE THAT THE TRUSTEE'S RECOMMENDATIONS CONCERNING CLAIMS MAY INCLUDE AN OBJECTION TO THE AMOUNT OF A CREDITOR'S PROOF OF CLAIM OR TO A CREDITOR'S SECURED STATUS. PARTIES MUST RESPOND WITHIN TWENTY (20) DAYS FROM THE DATE OF SERVICE HEREOF OR THE ATTACHED TREATMENT OF SUCH CLAIM WILL BE FINAL.

CLAIMS TAKEN FROM PROOF OF CLAIM  
WITHOUT TRUSTEE'S OBJECTION

10. The amounts in the attached Schedule II to the Trustee's Recommendation Concerning Claims were taken directly from the proofs of claims. The Trustee does not contest these claims. If the Debtors or any creditors contest any of these claims, an objection to each claim must be filed within twenty (20) days from the date of service hereof.

NOTICE OF BAR DATE FOR  
OBJECTIONS TO CLAIMS

DEBTORS AND CREDITORS SHOULD TAKE NOTICE THAT THE COURT HAS SET A BAR DATE FOR OBJECTIONS TO CLAIMS. ANY ADDITIONAL OBJECTIONS TO CLAIMS MUST BE FILED WITHIN TWENTY (20) DAYS FROM THE DATE OF SERVICE HEREOF OR THE ATTACHED TREATMENT OF CLAIMS WILL BE FINAL.

11. Responses to the Trustee's recommendations or additional objections to claims must be filed within twenty (20) days from the date of service hereof with the United States Bankruptcy Clerk, P.O. Box 1439, San Antonio, Tx 78295, and served on the appropriate parties in accordance with the Bankruptcy Rules.

DATED: March 22, 2005

MARION A OLSON JR  
1020 NE LOOP 410 #800  
SAN ANTONIO TX

78209-0000

(210) 824-1460

Electronically Filed By  
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MARION A OLSON JR

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SCHEDULE I

NAME AND ADDRESS OF CREDITOR	AMOUNT	INT RATE	CLASSIFICATION
BEALLS P O BOX 64 JACKSONVILLE TX	.00 015483/0014 75766-0000	.00 %	UNSECURED NOT FILED, NOT ALLOWED 8750
DILLARDS P O BOX 52067 PHOENIX AZ	.00 245091/0015 85072-2067	.00 %	UNSECURED NOT FILED, NOT ALLOWED 5447
JAMES B NUTTER & CO 4153 BROADWAY P O BOX 10346 KANSAS CITY MO	67782.80 393811/0001 64171-0000 TO BE PAID DIRECT WITH DEBTOR AS DISBURSING AGENT	.00 %	SECURED PAID DIRECT 2777568536 HM/OUTSIDE
KOHL DEPT STORE P O BOX 2983 MILWAUKEE WI	.00 014224/0016 53201-2983	.00 %	UNSECURED NOT FILED, NOT ALLOWED 3424
SAMS CLUB P O BOX 105980 ATLANTA GA	.00 305335/0007 30353-5980	.00 %	UNSECURED NOT FILED, NOT ALLOWED 956 6
SECURITY SERVICE FCU P O BOX 691510 SAN ANTONIO TX	15622.20 192107/0002 78269-1510 FULLY SECURED	7.75 %	SECURED PERMO: 315.00 4480472022 04 NEON

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SCHEDULE I

NAME AND ADDRESS OF CREDITOR	AMOUNT	INT RATE	CLASSIFICATION
SECURITY SERVICE FCU P O BOX 691510 SAN ANTONIO TX	7657.21 192107/0003  78269-1510 FULLY SECURED	12.00 % PERMO: 206.00 4480472021 00 STRATUS	SECURED
SYLVIA ROMO TAX ASSESSOR/COLLECTOR P O BOX 839950 SAN ANTONIO TX	967.49 010674/0012  78283-3950 FULLY SECURED	12.00 % PERMO: .00 186790090040 04 ESTIMATED	SECURED
WALMART P O BOX 530927 ATLANTA GA	.00 654289/0010  30353-9270	.00 % NOT FILED, NOT ALLOWED 8600	UNSECURED

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SCHEDULE II

NAME AND ADDRESS OF CREDITOR	AMOUNT	INT RATE	CLASSIFICATION
CAPITAL ONE BANK P O BOX 85167 RICHMOND VA	3751.87 097109/0004  23285-0000	.00 %	UNSECURED PERMO: .00 5291492157735420
ECAST SETTLEMENT CORPORATION P O BOX 35480 NEWARK NJ	3557.59 021475/0005  07193-5480	.00 %	UNSECURED PERMO: .00 9055 CHASE
ECAST SETTLEMENT CORPORATION P O BOX 35480 NEWARK NJ	7436.93 021475/0006  07193-5480	.00 %	UNSECURED PERMO: .00 9334 MBNA
SHERMAN ACQUISITION LLC C/O RESURGENT CAPITAL SER INC P O BOX 10587 GREENVILLE SC	1306.52 178303/0008  29603-0000	.00 %	UNSECURED PERMO: .00 7466 SEARS
SHERMAN ACQUISITION LLC C/O RESURGENT CAPITAL SER INC P O BOX 10587 GREENVILLE SC	5537.70 178303/0009  29603-0000	.00 %	UNSECURED PERMO: .00 025-0 SEARS

C E R T I F I C A T E     O F     S E R V I C E

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I hereby certify that a true and correct copy of the foregoing document was sent to all parties listed on the matrix on file with the U.S. Bankruptcy Clerk's Office on or about the time this document was electronically filed with the Clerk on 03/22/2005. A copy of the Certificate of Mailing of this document is on file and may be viewed at the U.S. Bankruptcy Clerk's Office.

Electronically filed by  
Marion A. Olson, Jr., Chapter 13 Trustee